

THE WAR, AND WHAT AFTER?

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CHAPTER I

It is not my purpose in this paper to discuss the causes of the present war. Rather, because I have profited much by the study of what other nations, including our present enemies, have contributed to the common stock of knowledge and achievement in connection with civics and city-building, and have been impressed by the benefit derived from the varied individuality of nations, I ask consideration for a few thoughts on the conditions under which nations may live and prosper side by side without drifting periodically into war in order to settle their differences.

With regard to the present war, I will say this much to avoid misunderstanding: as an Englishman, it seems to me that whatever mistakes we as a country may have made in our attitude towards different nations in the past, whatever faults may be found with the methods of diplomacy, Germany and Austria, by their action in refusing the various proposals for mediation, in declaring war on Russia, and invading the peaceful nation of Belgium, of whose neutrality they and we were guaran-

tors, left us little option but to take the part we have. Cost what it may, such action as theirs must be frustrated; the dangerous policy of throwing over negotiations in order to gain the advantage of first attack must be discredited by defeat; and Belgium must be reinstated to the full extent that now remains possible. Having entered on this war, to Englishmen this must appear our first duty. It is not, however, the only one.

We who are not directly occupied with the conduct of the war must see that those who are giving their lives and enduring unheard-of strain and agony, may be enabled to obtain something more worthy their heroic sacrifice than a few territorial adjustments. Surely we owe it to them to create some means other than war for the settling of international difficulties.

Public opinion on the question has been advanced in many ways; first, the fallacy of regarding armaments as a means towards the preservation of peace has been exposed. It will still be possible for nations to argue that they must arm in self-defence; but the general theory that to prepare for war is to ensure peace, has been effectually discredited. Arming springs from fear, not from courage. Fear leads to suspicion, and suspicion back again to fear. Both destroy that broad, clear understanding of other nations, on which alone it is possible to base either a wise policy of peace or sound strategy in war.

The futility of war is being increasingly demonstrated. The difficulty of securing any result in

the least commensurate with the price paid is more and more recognized. In past days the conquerors did at least take possession of the soil and reap the wealth and economic advantage therefrom. Even that gain has passed.

War no longer decides which are the better men, mentally or physically. Chance plays so large a part in the decision. Success may depend largely on transport facilities; and these, again, on the weather. In naval warfare the balance will turn on which ships present happen to have the biggest guns: the relation of two fleets may conceivably be reversed by a few exceptionally brilliant submarine commanders.

Further, war is becoming increasingly injurious to all the countries that remain neutral. An ever widening area is intimately affected. This is due to the increasingly international character of all the arts of peace, which tends to make war really out of date.

Finally, warfare is becoming more revolting to the individual feeling and conscience: more a matter of cold-blooded, calculated slaughter. The airman dropping bombs in the hope of doing military damage, but with a fair certainty of killing peaceful citizens, is an example. The obvious element of self-defence, which in the old hand-to-hand battles largely justified to a man's individual feeling his own action, is absent in much of modern warfare.

The conflict and confusion between individual ethics and the national ethics of warfare have

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reached a point when a break-down is imminent. This is illustrated by the Christmas truce which took place along parts of the firing line, a truce which sprang up spontaneously, and which in some places did not terminate until fresh troops, who had not been brought under its influence, came into the trenches to relieve one side or the other.

The following instances, related to me by a sergeant home from the front, still further bring out this point. Apart from the Christmas truce, there was in one place between the two lines of trenches a potato field. By mutual consent, for one hour each day, the troops on both sides went out and dug fresh potatoes to improve their next day's rations.

On Christmas Day at one point two British soldiers went over to the German lines to wish the enemy a "Merry Christmas." Afterwards two Germans came over to the English lines to return the compliment. The particular soldiers who received them not understanding this mutual truce took the two Germans prisoners. But the feeling of the Company was against this. The prisoners were taken to the base, and the soldiers who had been engaged in the truce explained to the officer how the men had been taken: the officer proposed to return them to the German lines with a note apologizing for the mistake. But here arose a new difficulty. The two German soldiers appeared to think that having been taken prisoners they were entitled to a trip to England, and not to be

sent back to their own lines! What a curious confusion of individual chivalry and army duty such a story reveals!

For all the above reasons, and many others might be cited, not the least important of which is the general progress of civilized feeling which revolts against inflicting on innocent individuals suffering and death in a collective cause, all nations are being more and more forced to consider some means for avoiding war. Such feeling has sprung up after other wars as a result of disgust and disillusionment. It is likely to be far stronger after this war, and it is for us to take advantage of this feeling to secure the establishment of some organization to give expression to it. In spite of the strength of this feeling, not a few are discouraged by the sight of so many great nations at death grips; but is it not a fact that we have been misled by a tendency to estimate the degree of failure in national relations by the enormous extent of the resulting catastrophe? We are inclined to measure the weakness of the general will to peace by the area that has been swept by this devastating war.

Surely this is quite wrong; it is because of the extent to which union and common action between nations had been secured, that the area covered by the catastrophe which has resulted from the breakdown is so vast. The extent of the calamity is rather the measure of the progress which mankind has already made towards union. Even as regards Germany, hopelessly as she seems at present

to be obsessed by military ideas and blinded by military expediency, we may well remember that at the second Hague Conference it was the German delegate, Marschall von Bieberstein, who rose to propose the establishment of an International Prize Court, the first really international judicial body to be agreed upon. Professor Stowell, one of the American delegates and one of the Secretaries of the second Hague Conference, has given a graphic account of how at that historic meeting when the Baron resumed his seat the English delegate, Sir Edward Fry, rose, "and with trembling hand and quavering voice, read in French that was very British yet possible to understand, a proposition of the British delegation to establish an International Prize Court." He tells us that while Sir Edward Fry was reading Baron Marschall von Bieberstein rose and "stepped over to catch the quavering accents, putting his hand to his ear to miss no word." This picture of Germany and England uniting to take a memorable step towards international concord is worth recalling now.

We may remember also that the German Government subsequently dispatched to England as its Ambassador this same Baron von Bieberstein. Alas! he died before the task of settling the difficulties between the two nations, a task which we must believe he had at heart, could be accomplished.

But this, it may be said, was before the war. Let me add, then, a quotation from a younger Baron Marschall von Bieberstein written from the battle-

field: "Whoever fights in the war in the front ranks, whoever realizes all the misery and unspeakable wretchedness caused by a modern war will unavoidably arrive at the conviction, if he had not acquired it earlier, that mankind must find a way of overcoming war. It is not true that 'eternal peace is a dream, and not a beautiful one at that.' A time will and must arrive which will no longer know war, and this time will mark a gigantic progress in comparison with our own. Just as human morality has overcome the war of all against all, just as the individual had to accustom himself to seek redress of his grievances at the hands of the State, after blood-feuds and duels had been punished by civil courts; so in their development will the nations discover ways and means to settle budding conflicts, not by means of wars, but in some regulated fashion." It is sad to know that this younger member of that family has also died on the battle-field before his dream could be accomplished. But his letter proves that such ideas are not unknown in Germany. Surely also we may recall the statement of Sir W. E. Goschen that "Herr von Jagow expressed his poignant regret at the crumbling of his entire policy and that of the Chancellor, which had been to make friends with Great Britain, and then through Great Britain to get closer to France." Also that "I found the Chancellor very agitated. He said . . . all his efforts in that direction had been rendered useless by this last terrible step, and the policy to which, as I knew, he had devoted himself since

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his accession to office had tumbled down like a house of cards." Sir Edward Grey, in one of his despatches, has acknowledged this aim on the part of the German diplomatists. After speaking of the peace of Europe he said, "I have desired this and worked for it as far as I could through the last Balkan Crisis, and Germany having a corresponding object our relations sensibly improved."

It is well in this time of enmity to remember that there was a considerable section of the German people who worked for friendship with Britain before the war; and those who have known Germany must believe that there is still a large section who regret the campaign of frightfulness in which the State has indulged.

To recognize the great advance towards union which humanity has already made is essential if we are to have any faith in the future. We must not dwell merely on the present failure; rather we should look back over the long path of progress already passed. Individuals were first grouped in families and later in the larger patriarchal groups. These, in turn, became united as tribes under some chief; and the tribes becoming further grouped there was formed that wonderful unit of the nation, which has acquired such tremendous hold upon the imaginations and the hearts of men.

Among individuals some have one quality and some another. The obvious profit which results from co-operation; the mutual advantage of dividing labour, so that those best qualified for

each branch may concentrate upon it; and the variety and pleasure which are derived from the association of different characters, have moved men more and more to unite. Exceptional qualities are, however, usually accompanied by corresponding defects; there is a common saying "that men have the defects of their qualities." The limit of effective union among men is fixed by the degree of toleration they can extend to those defects in each other.

So long as men have an adequate appreciation of each other's qualities, and an adequate toleration of their weaknesses, union will go forward in many directions; but when these break down misunderstandings and quarrels follow. It is very difficult to maintain the necessary appreciation and toleration continuously: it is very difficult for Martha and Mary to understand and appreciate one another all the time. To the one it seems so selfish to shirk a fair share of the daily chores: the other cannot conceive how anyone can allow these trivial matters to crowd out more sublime meditations, which to her seem to be life itself.

The same is true of races and nations. Their value is due to their individuality; it would be folly to seek to reduce them to one dead level. There are national qualities, national characteristics, national powers, which are invaluable to the world. The want of appreciation of these qualities, the want of toleration for defects arising from them, is the cause among nations as among individuals of disputes and quarrels.

For example, the German has a habit of accepting scientific ideas with great readiness and completeness. He follows them up with a degree of concentration which in many matters has produced most valuable results. He regards the Briton as an unscientific bungler because of his carelessness about ideas and his suspicion of theories. But the very faith of the German in his theory and his thoroughness in following it tend to blind him to the fact that the best of theories is but a partial truth, but one aspect of some complicated group of facts which can only be completely understood if seen from many aspects at once. The German following his theory is rather like the horse running in blinkers: he is saved from distractions, but also misses valuable side-lights. The Briton works with less scientific thoroughness, but for that very reason he is more ready to have his view in one direction corrected and checked by other views. The absence of excessive concentration leaves him free to receive other impressions of the subject coming from this side or from that. The German having taken up a theory follows it out consistently until he is pulled up short by some *reductio ad absurdum*. The Briton less logical is more sensitive to the correction of instinct, common sense, or wholesome humour.

We should remember this when judging the intentions of the German people by the preparations which their Government made for war. Owing to the difference referred to, a degree of preparation for some possible contingency which would

lead the British people to conclude that their Government were bent on producing that contingency, would not necessarily carry the same conviction to the German. On the other hand, much in our policy and our pronouncements, which springs from our less logical but more common-sense way of seeing things first from one point of view and then from another, is perplexing to the German and looks like inconsistency and hypocrisy. Unless nations can learn to make allowances for their different qualities and temperaments, misunderstandings and quarrels must arise.

How, then, has this difficulty been surmounted among individuals in the past? Men have learnt to make provision in their calmer moments of some organization which will restrain their violence, and settle their differences when the occasional heated moments and misunderstandings arise. Disputes were first referred to the head of the family, the chief or king, to decide. Gradually his decisions acquired customary force. Still more gradually that custom became regularized, and law arose. (See Sir Henry Maine's *Ancient Law*, in which he explains how in Greek literature first there is found the *themises* or judgments, then the *dike* custom or usage, and last of all the *nomos* or law.) It is the rule of law, of equity, of impartial conciliation, which has enabled union to extend, societies and nations to be formed. The close union of individuals leads to something more than mutual help and protection however. There develop tribal aims and feeling, a tribal con-

science. Not content with protecting and improving the lives of each of its members, the tribe or nation seeks to secure for itself greater collective opportunities. This may take the form of less depleted hunting grounds, more fertile plains for its cattle, wider lands to cultivate, access to special natural features, to river, or sea-coast; or to special natural products—timber, metals, and so forth. In thus seeking to follow out a collective aim tribe meets tribe, each looking for some common good for its members; quarrels arise for the possession of something which both covet, and so begins collective war.

War involves a more intimate co-operation and the sacrifice of many individuals for the common good. It results in the exaltation of the idea of the nation, the development of patriotism, the development, too, of a collective policy and a collective conscience. Some form of organization or government arises, to decide on policy and to carry it out. The inhabitants may meet, they may choose a chief or accept one self-chosen, or they may delegate their power to a council of elected eldersmen. The forms of early government vary; but the essential condition of all society, whether tribal, national, or imperial, is that the individual subordinates more or less of his private interest, judgment, and conscience to some man or body representing for the time being the collective social organism. Such organizations have gradually extended over wider and wider areas, including more and more minor groupings within

themselves: but whatever their form, their continued existence depends on their power to bring the relations of all the minor groups included within them, under the control of justice, law, and equity. For this there must be a general desire among the individuals and the minor groups for their relations to be just, and an appreciation of the value of the larger organization. Only when these exist will individuals be willing in their calm moments to surrender to the larger organization the right to judge between them when they are angry, and to provide it with the power of enforcing its judgments. It is the knowledge that there exists a tribunal sufficiently impartial to judge fairly between them, and sufficiently powerful to restrain an aggressor, which produces such a sense of confidence between the groups of a nation or the states of an empire, as alone can eliminate the fear of force from their relations.

Humanity has travelled far along the line of progress towards union. The degree to which men have recognized that only in union can real liberty be enjoyed, is, I think, surprising. Consider, for instance, the British Empire. It is but a short time, as time is measured by humanity, since in this island there were a number of warring tribes which could imperfectly restrain their individual members from bloody quarrels, and could unite only now and then against some specially aggressive group. It is but a shorter period since England, Scotland, and Wales were on terms of antagonism leading to warfare. And yet to-day

how great is the number, how varied the character of the dominions which are federated within the British Empire, between whom war is well-nigh unthinkable!

The question which this great war is forcing us to ask to-day is this: have we reached the final limit of union? Is any unit greater than the Empire impossible? Certain German teachers have said that any power in favour of collective humanity outside the limits of the state is not only impossible, but undesirable. Such a position is based on a characteristically exaggerated regard for a biological theory of struggle in human life, and on a failure to recognize the degree of union which has already been secured. If the dominions can be united together in the British Empire, kingdoms and grand duchies united in the German Empire, and the many states federated in the United States of America; if the union of each of these groups of peoples and nations can secure a law, controlling their relations, and freeing them from the dread of each other's armies, there is no reason why a similar union of these empires should not be able to establish an international law to control their relations and free them also from the fear of force.

We must not allow human progress which has advanced so far to fail at this last step: a difficult one no doubt, perhaps the most difficult; but only the last at the top of a very long flight which has already been climbed! For this step the nations must now marshal their know-

ledge, their experience, and above all their faith, undeterred by the difficulties. All organization is difficult; but then much of the epic of life springs from the efforts of individuals to secure by organization the benefits and pleasures of corporate action, while preserving to themselves the proper liberty for individual enterprise, thought, and conscience. Progress is slow, and alternately the machinery of organization, and the average individual spirit of association, advance one ahead of the other, so that adjustments are constantly needed. We can, I think, recognize that in the field of international relations the next step needed is one of organization. There already exists in the individuals composing humanity sufficient appreciation of the value of international co-operation, and sufficient desire for just and peaceful relations between empires, to form a basis for advance in the organization.

I would suggest that in this difficult project we should try to build on the foundations already laid. The tendency to throw over forms of organization which have not done all we wished is natural. When men look around and see the unspeakably horrible results that have followed from the failure of states and empires, or their governments, to settle peacefully their differences; when they see how hardly this failure bears on millions of innocent individuals, the tendency to reaction naturally follows; the individual is apt to think "if this is what results from great governments, better to have none of them!"

But that is not sound; union cannot so be reached. It depends on our finding some form of organization which will secure co-operation without depriving the individual of his proper share of control. There are many just now who are so impressed with the evils which have sprung from powerfully organized governments that they think we must begin by belittling all governments, and talking of states as unreal abstractions.

I do not think that on these lines we shall progress. We cannot afford thus to ignore past experience in all forms of great organizations, whether military, industrial, or social. There cannot be merely the soldier and the army; there must also be the company, regiment, and army corps, each with its unity and its part to play in the whole.

I do not see that we shall promote the unity of humanity by breaking up states and empires which have already united vast groups of peoples. Indeed to speak of such states and empires as artificial abstractions is surely to take a too material view. Can that be a mere abstraction which has such power to bind and to inspire, for which in thousands men voluntarily lay down their lives, or pour out their blood in rivers?

While there is much that is needed to perfect the organization of the smaller groups, to give to the individuals composing them greater control, to organize for the guidance of governments the expression of the wishes and conscience of the peoples, I am convinced that we must recognize

the value not only of small compact states, of the larger units which we call empires as a step towards the world-unit, for which we must now work.

It is not my wish to minimize the obstacles; rather, because of them, to suggest the need for wide and deep study of the problem.

We may perhaps learn something from the difficulties which still exist in harmonizing the relations of certain groups within the individual nations, for we have not yet entirely eliminated strife or warfare from these groups. A notable instance is to be found in the existing relation between employers and employed in industries. The strike is an act of war, an appeal to force in which conventional restrictions have generally confined the weapons to starvation, boycott, and so forth. We have in the relations of these two classes an illustration of difficulties very similar to those which face us in the relation of nations. We are faced, for example, with that very curious fact in connection with organizations, that however great they grow, however stupendous the interests which hang upon the relations between them, when it comes to the final decision of any point of dispute, that decision will usually depend on the judgment of one individual, chosen perhaps from many millions of which the organizations may consist. There may, it is true, be a board of conciliation, but its decision may depend on the impartial chairman. The larger the organizations concerned the more momentous the result of the required decisions, the more difficult becomes the selection

of an individual, or a group of individuals, in whom both parties will have absolute confidence. It is difficult to find men to judge between the working class and the employing class, difficult to find those whom both parties will feel are unbiased by class training or tradition. It is certainly not easier when the state organizations are involved, which are co-extensive with the population from which the arbitrators must be chosen.

A further difficulty in deciding industrial questions, is illustrative of a similar difficulty in international disputes: it arises from the fact that there is no generally recognized law; there are even no generally accepted principles of industrial justice on which decisions can be based.

But advance is being made in the industrial world. It is being made along the lines of creating a basis by means of agreements, creating law through the state legislatures, which are fixing minimum standards of life and conditions which the workers can claim as a right.

In this sphere we may study also the problem of the tyranny of great organizations. Some, because of it, would throw over these organizations and return to individual bargaining and relationships. Yet progress is not being made along these lines, but by means of greater federation and more responsibility thrown upon the central organizations.

The larger unit of the state, finding that the higher degree of organization reached by the different parties in the warfare of strikes or lock-

outs results in wider injury to the non-combatant sections of the people, and threatens ruin to industry and commerce, is taking an increasing part in controlling these disputes and effecting a settlement.

Such experience and analogy may well be some guide when considering the great and difficult problem of how to organize international relations so that differences between states shall not so frequently lead to war.

CHAPTER II

IF the nations are to have confidence in their security, and trust towards each other, on which alone permanent peace can be founded, it would seem that some council must be formed, whose primary duty it shall be to promote mutual understanding and compose differences.

How to establish such a council of international union to give effect to the degree of goodwill which already exists among peoples, is perhaps the most pressing problem of the moment; for at the end of this great war the world will be ripe for some effort in this direction, impelled thereto not only by the horror of what has happened, but even more by the dread of what, without such union, must happen in the future.

We are perhaps too ready to regard efforts for avoiding war as entirely modern. This is by no means correct, and it may be helpful in considering how the needed international union may be reached, if we consider some of the proposals which were made in past times; and, also, if we review the progress which the modern movement towards union had already made when the present war broke out.

In the Amphictyonic Council of the Greek races we find one of the earliest known examples of international union. This Council consisted of twenty-four delegates sent from twelve tribes or nations; in some cases where the tribe comprised two or more states they would take it in turn to send a representative. The origin of the Council is lost in antiquity: it seems, however, to have arisen from common religious fraternization, and was at first mainly concerned with the affairs of common worship in the temples of Delphi and Anthela. But the Council acquired a political significance, and in the gradual transformation passed through three stages. First almost purely religious, subsequently of combined religious and political character, it became finally, on the decay of religious belief, chiefly political.

The League was bound to maintain the ancient principles of international right as then understood. The oath bound the members of the League not to destroy any other Amphictyonic town, not to deprive it of running water, and to punish to the utmost those who committed such outrages, or any who plotted against the traditions and property of the temples.

Against any of the states or tribes who broke the rules of the League a Holy War could be declared. The decisions were largely respected; and arms were frequently taken up in defence of them. So important were these combinations that a Holy War was dreaded even by such a powerful member of the union as the state of Athens.

There can be no doubt that this Amphictyonic Council did much to promote peace between those warlike races, to restrain the barbarities of their warfare, and to foster mutual obligations. When peace could not be maintained between the members of the union they were warned to fight "as those who intended some day to be reconciled."

The influence of a common religion, and to some extent of a common culture, of forces apart, and outside individual nationality, which produced this early union, is one of profound significance. It points to the importance of bringing to bear on the relations of individual nationalities, all those great ideas of right and justice which have an acceptance among mankind not limited by national boundary lines.

Since the date of this early Council many other efforts toward union have been made; and not a few men have foreseen the necessity for the creation of some Holy Alliance, League of Peace, or Sovereign State of Humanity, which should save the nations from war. One or two of the better known instances may be mentioned.

The Truce of God, promoted by the Catholic Church early in the eleventh century, mitigated for two hundred years or more some of the worst horrors of war. It secured certain days and seasons when war was not to be waged, and also obtained some respect for the rights of all who followed peaceful callings, such as priests, travellers, and tillers of the soil. It was in this respect an early forerunner of the Geneva Con-

vention of 1864. But the great Catholic Church proved unable to play effectively the rôle of peace-maker. Perhaps a body which deemed that its own existence demanded an attitude of intolerance to other religions and other views of its own faith was not well fitted to teach mutual toleration and forbearance to the nations. Be that as it may, the peoples look in vain to-day for any Church impartial enough to be trusted, powerful enough to be heeded, and which can proclaim the principles of right and fair dealing between nations.

Henry IV of France and his great minister, Sully, put forward about the year 1600 the Great Design for a peaceful confederacy of free states in western Europe. There was to be a common council to arbitrate in international disputes, to secure mutual toleration for the three recognized sects, Catholic, Lutheran, and Calvinist, and to unite the nations in an indissoluble bond of security and friendship.

Hugo Grotius, the Dutchman, in 1625 laid the foundation of international law in his book, *De Jure Belli et Pacis*.

One of the most interesting proposals was that made by William Penn, in a pamphlet first published about 1693. He there advocated that sovereigns and states should agree to meet in a Diet and establish rules of justice, that is, frame what we now call international law. He advocated that this Diet should meet regularly, and that all the states uniting should agree to

bring their differences before it. He recognized the great difficulty of finding a basis of representation, and thought that it should be roughly according to the commerce, wealth, and revenue of the nations, a somewhat curious basis. He suggested, as a way of overcoming difficulties of precedence, that the conference should sit at a great round table in groups of ten, and that each group in turn should choose the president; a three-quarters majority was to be required for a decision, and voting to be by ballot. To these detailed suggestions he attached no great importance, as he recognized that different methods were possible, and might work equally well, or nearly so.

There is, however, one point in his proposals of very great importance. It is of special significance, coming from one who inspired the men he took with him to settle among the North American Indians with such belief in a righteous peace, and such faith in its power, that they had courage to go into that wild country unarmed. They wore a white feather as a sign to the Indians that they carried no arms, a sign which was respected by the Indians as long as it was used, some seventy or eighty years. This peace-loving man, however, in his scheme for a League of Nations, recognized the necessity for some compulsion to prevent any one rebellious nation from breaking up the League. He therefore laid down that if any nation refused to bring their case of dispute before the Diet, to abide by or perform the judgment of the Diet, or delayed, beyond a

definite fixed time, compliance with its judgment, all the other sovereignties united as one strength were to compel submission.

The suggestions of Kant, emanating from so great a philosopher and from one combining British and German traditions, also deserve study.

His insistence on man's inherent sense of right and consequently on the importance of the whole people being made to take the responsible decision in matters of war and peace, are specially interesting.

The Holy Alliance conceived by Alexander I of Russia, and established with the aid of Castlereagh by the Treaty of Paris in 1816, may well serve alike as an inspiration and a warning. It should encourage us by showing how much is possible, and caution us by proving how the best of schemes may be diverted to improper purposes.

Victor Hugo's presidential address on the United States of Europe, delivered at the International Peace Congress in Paris in 1849, may be cited for its nobility of thought. Since that date constant progress has been made in the spreading of ideas of justice and peaceful relations.

The two international peace conferences held at the Hague in 1899 and 1907, in the calling of which the Russian Tsar has worthily followed the tradition which Alexander I established in 1815, brought the question into the sphere of practical international politics. Much ground was already secured; and the progress made between the first and second conferences had raised hopes of still further advance, as a result of the third conference

now due. The series of arbitration treaties which the United States had entered into with Britain and other countries had, moreover, materially limited the sphere left open for differences to be settled by war, when there fell upon the world the calamity of the present awful conflict. For the moment the believers in peaceful relations were paralysed by the blow; but soon the full realization of the horror of modern war roused them to fresh efforts; and more hard thinking has been devoted to the problem in the last six months than ever before. As a result, numerous fresh proposals have been made. One of the earliest was put forward privately by Dr. Parker, of South Africa, based partly on his experience of the Boer War and the subsequent relations of the peoples involved. He suggested that the arbitration of their differences must be made compulsory upon states by mutual treaty.. Any state which starts fighting must be restrained, and must first be dealt with for a breach of the peace, and then have its quarrel judged. Breakers of treaties must be automatically at war with the civilized world. To bring this about he advocated the formation of a great council or arbitration board, on which nations would be represented, roughly in proportion to their population. He laid stress on the need for ample backing, by force if need be, of any system of international law and arbitration if it were to be effective.

Mr. Aneurin Williams advocated a league of peace and mutual protection. Those nations who

are willing that all their mutual differences shall be settled by arbitration are first to come together and form this league. If any member of it is attacked, the attacking party, whether a member or an outside state, is to be called on to submit his grievance to arbitration. In default of doing so he is to be coerced by the whole force of the other members of the League. All questions are to be settled according to treaty rights, and any member resorting to force is to forfeit his rights, to make restitution, or to pay damages. Members of this league are to have the right to withdraw on giving certain stipulated notice; and other nations may join the league if they become willing to accept its principles.

It will be seen that this proposal contemplates a league of mutual protection, at first formed only of those nations who are willing to rule out the appeal to arms altogether from their relations, and to trust every dispute to the final decision of arbitration. The security of an armed defensive alliance against outsiders is relied upon as an attraction to entering the league.

The proposal has some decided advantages; it is simple and direct, and may be started with a few nations. There are, however, disadvantages; such a league might provoke opposing leagues, if there were many great nations outside. An *ad hoc* body existing only to preserve the peace, might well fail to secure the increasing prestige and influence among the peoples which it is desirable the international union should acquire if it is

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to establish the rule of right and justice among nations. It might come to be looked upon among states with some of the suspicion with which peace societies are regarded within the nation.

The choice will probably lie between a more drastic abnegation of war with a closer defensive alliance accepted by a few nations, and a less thorough abnegation of war with less complete undertaking of mutual defence which might be accepted by a larger number of nations. Such a choice is always difficult, and must depend on the degree of difference in each case. A sufficiently large number of nations would probably effect more lasting good with a less drastic type of treaty; and the increase in numbers would of itself reduce or remove the danger of opposing combinations, and would secure more effectually the result aimed at. On the other hand, the adhesion of more nations would be dearly bought if the character of the mutual agreement was whittled down to the extent of becoming ineffective. The proposal, as set out by Mr. Aneurin Williams, through its very virtue of simplicity, hardly perhaps allows sufficiently for the essential differences in the character of disputes, and the degree of obligation which exists to accept an arbitral decision upon them. The decision of a judicial tribunal upon a matter governed by a treaty or recognized international law, stands on a somewhat different plane from a compromise, suggested as a means of conciliating a dispute, about some matter in connection with which no accepted basis for

settlement exists. In spite of its limitation and because of its simplicity, Mr. Williams's proposal is one which must be kept in view, and which might in certain eventualities prove the most practicable.

Several societies and individuals have put forward proposals going much further. It has been suggested that the troubles due to unsatisfied racial aspiration must first be met by rearranging Europe on a basis of nationality, and not of states. The whole question of race and nationality is too involved for any such rearrangement to be more than a rudimentary beginning: time and patience will be needed for the problem to be worked out; but emphasis has been rightly laid on the necessity for due acknowledgment of the popular wish when this is at all clear. It is also suggested that there should be set up a permanent league, and that the nations should hand over the use of their armaments to this international representative body. Such authority would determine the total force required, and apportion it to the different nations. The league would carry on, in public, all negotiations with outside powers. All disputes within the league would be settled by judicial process.

Such a programme is probably sound in recognizing that what we have to aim at is the setting up of a permanent international authority which shall help to regulate the relationships of the states and empires of the world, and which in the last resort shall be able to enforce its authority.

I am doubtful, however, whether the details are on the lines most likely to be accepted. While Mr. Williams's League of Peace hardly seems to go far enough in recognizing the necessity for a permanent world authority, the proposals referred to appear to suggest that not only can we secure that authority, but that we can from the first entrust to it some of the most difficult and dangerous functions of national government. One of the last things to which nations will agree, probably, will be to hand over their armaments to an international authority. We must never forget that governments have their danger as well as their advantage; that a union of states may use its power not only to preserve peace, but to prevent the progress of the more advanced nationalities. Moreover, it is doubtful whether any direct attempt by the international authority to limit the armaments of individual nations would not raise more occasions for misunderstanding and dispute than would be compensated for by a reduction in the chances of war which might follow.

There is the precedent of Prussia: the reply to a limitation of the size of its army was to pass its population more rapidly through the ranks, so that although complying technically with the number of its embodied army, the number of its trained soldiers was vastly in excess of that permitted. Owing to the constant development of new means of warfare, it would be difficult to frame limitations which would not leave scope for each nation to increase its armaments in one direction or another;

if the number of its ships were limited it might increase the size and range of its guns and so forth. The reduction of armaments by arrangement can only come after the establishment of some degree of mutual confidence; with a greater sense of security armaments will diminish naturally.

Again, it hardly seems probable that in creating a new central authority, the nations will agree to hand over to that authority all negotiations between them and individual powers outside the league. The insistence of many on greater publicity as a safeguard against misunderstanding between nations is most valuable.

In the settlement of disputes by judicial process we are on firmer ground. This proposal is well put in a paper issued by M. Henri Lafontaine: "We have constantly affirmed, and we now affirm more energetically than ever that a juridical status such as exists between individuals within states ought to be substituted for the anarchy which since the beginning of time has controlled their international relations. This juridical status must be accepted by all states as it has for long been accepted by all individuals within states. The majority of states must also be able to insist on its observance by a recalcitrant state."

Mr. Lowes Dickinson, in a recently issued booklet, *After the War*, concentrates attention on a very carefully worked-out proposal for creating an international authority to create and uphold the juridical status referred to by M. Lafontaine, a proposal which indicates the good results which

have already been obtained through concentrated study and persistent discussion of the problem, by highly skilled men who approach it from different points of view. This booklet should be read by all, and it is needless, therefore, to attempt a summary. *The World in Alliance*, by Mr. F. N. Keen, is also very valuable for the emphasis that is laid on the need to build up international law and the use which is made of analogies taken from constitutional history.

The necessity to find some solution of the problem is absolute. The mass of untold misery, the extent of unrecognized sacrifice and heroism, the depth of silent sorrow for millions of life's dearest links broken, due to this conflict, must compel all peoples to look for some means of escape. The difficulties are great, but not insurmountable. Here is work in which all may take part. Not only do we need the best thought of the ablest men in all countries to be turned upon it, not only do we need the expert contribution of the man of learning, the man of business, of the historian, the international lawyer, the economist and the diplomatist; but we need that deep and universal understanding of human nature and of national aspiration, which can only come from the thoughts of large numbers of average men and women. While, therefore, there should be groups of the greatest experts in every country working out the difficult points, foreseeing consequences and dangers, and completing details; there should also be general study groups of all kinds and conditions

of men, learning to understand the principles involved and preparing themselves to give intelligent backing to the soundest proposals. It is with a view to stimulating such thought and discussion that I venture now to put forward some aspects of the different proposals as they strike one of the average people, who is no expert, but merely brings to the consideration of the subject some interest in people and politics, and some small knowledge of foreign countries.

The universities, with their highly skilled professors of the various branches of knowledge ready assembled, might make contributions to the deeper study needed; and their extension courses might serve to spread the knowledge. The Council for the Study of International Relations is already doing much to promote the wide discussion and general interest which must precede the formation of sound public opinion.

CHAPTER III

THE tardy publication of a telegram from the Tsar to the Kaiser, which was omitted from the earlier issue of the series which these monarchs exchanged just before the war, and in which the Tsar said, "It would be right to give over the Austro-Serbian problem to the Hague Conference," may well serve as a reminder that fortunately there is no necessity to begin entirely *de novo* in this matter. The failure of the Hague Tribunal to prevent this war has been too readily measured by the size of the war. This telegram shows that the Tribunal commanded the confidence of one at least of the most interested parties. That the war came is no reason for throwing over the work accomplished in the establishment of the Hague Tribunal; rather is it a reason for studying how it can be made more effective; how the nations who do not want war can compel one that does, or at least does not care to prevent it, to submit its cause to this Tribunal.

The first question which demands consideration is how far we can wisely build on the foundation already laid. It is obviously easier so to do; and, unless the foundation should be unsound or un-

suitable, it would seem to be wiser also. The first peace conference at the Hague was attended by delegates from twenty-six nations, and its most important accomplishment was the conclusion of a convention for the pacific settlement of international disputes, by which there was set up the International Tribunal of Arbitration. This body, though having certain judicial characteristics, is not strictly a judicial court. The convention creating it was added to and amended somewhat at the second conference, without, however, changing in any essential way the character of the Tribunal. The amended convention was endorsed by all the forty-four nations which were there represented. This convention provides, firstly, for the good offices and mediation of friendly powers in case of dispute, and declares that no offers in this direction shall be regarded as unfriendly; secondly, for international commissions of inquiry to investigate and determine the facts of any dispute. The good service of this commission will be remembered in connection with the Dogger Bank incident in 1904, when the Russian Fleet fired on English fishing trawlers, mistaking them for Japanese torpedo-boats. The convention provides, thirdly, for the creation of the permanent Court of Arbitration, composed of persons of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrator, of whom each of the forty-four states may appoint not more than four. The members of this panel are appointed for a term of six years.

In case of a dispute, each party selects from the panel two arbitrators, of whom one only may be its own national or chosen from those whom it appointed on the panel. The arbitrators thus appointed choose a fifth to act as umpire. If they fail to agree, and if two neutral nations also fail to agree, the umpire is finally selected by drawing lots. Detail procedure is set out for the conduct of arbitrations. There is also added a suggestion for arbitration by summary procedure, which may be used in simpler cases.

The first conference recognized treaties for compulsory arbitration by setting on record the right of any states to enter into such treaties with one another. So great was the advance by the time the second conference assembled that five projects of general arbitration were brought forward, and the Anglo-American proposal for a treaty of compulsory arbitration was approved by a large majority of the conference. The project contained the reservation of disputes affecting vital interests, independence or honour, and disputes affecting the interests of other nations not directly concerned. The requirement of unanimity prevented the adoption of the project; but a resolution declaring that differences relating to the interpretation of provisions of international conventions are susceptible of being arbitrated without restriction, was accepted unanimously with four abstentions, one being the United States, whose constitution at present does not provide for the making of such a treaty.

The second Hague Conference, however, made notable progress in the direction of setting up courts of a more completely judicial character. There was established an international prize court, really a court of appeal from the national prize courts, which deal with vessels captured in war. This is the first International Court of Justice to be created. It consists of fifteen judges, nine to form a quorum. Deputy judges are appointed to take the place of any judge who is unable to sit. The judges of the eight great powers are always called; the others sit by rota according to a scheme set out in the convention, except that any belligerent state may demand that its judge shall sit. The court elects its president. The judges are appointed for six years, are paid when sitting, and take an oath to discharge their duties impartially and conscientiously. They compose in fact a genuine court of justice.

The conference, however, went further in this direction: they sought to establish a general judicial court and failed only to reach agreement respecting the selection of judges. They, however, prepared and agreed upon a draft convention for the creation of the court, and recommended the signatory powers to adopt the convention so soon as agreement could be reached on the selection of judges. This convention is a notable document: it provides that the judges are to be appointed for twelve years, and to take an oath of impartiality. The whole body annually elects three to form a special delegation; these three

choose which of themselves shall preside. A member cannot act when the state which appointed him or to which he belongs is a disputant. The judges are to be paid, and the court is to sit once a year. The special delegation of three may decide certain matters and settle the *compromis* of the case, may summon special meetings of the court and may decide that an annual meeting is not necessary.

Here there is an international court of justice agreed upon and its creation only waiting for some settlement to be reached as to the method of selecting the judges. The second conference not only carried so far the establishment of a court of justice, but it made some progress in the ratification of international laws for that court to adjudicate upon. It propounded conventions on the following subjects which, though not ratified by the adherence of all the powers represented, marked a great measure of agreement.

These conventions dealt with the employment of force for the recovery of contract debts; the opening of hostilities; the laws and customs of war on land; the rights and duties of neutral powers and persons in war on land, and in maritime war; the status of enemy merchant ships at the outbreak of hostilities; the conversion of merchant ships into warships; the laying of automatic submarine contact mines; the bombardment of unfortified places; the application of the principles of the Geneva Convention to maritime war; restriction of the right of capture in maritime war; and pro-

hibition of the discharge of explosives from balloons.

There is in the work of the two Hague Conferences a very considerable basis of international agreement which it would seem well worth while to take as the starting point for fresh advance. How then can further progress best be secured?

I suggest that the first necessity is to recognize the distinction between judgment and conciliation; and to complete the machinery appropriate to securing respected decisions of both kinds. A judgment is an interpretation of some law or agreement; it is an absolute decision based on some definite and admitted ground; there is no element of compromise about it; the judge lays down that a certain law or agreement means a certain thing, and the case is decided accordingly. Such an absolute decision in the case of a dispute can be made and generally accepted only when there exists an adequate basis of acknowledged law or some admitted agreement in accordance with which it can be given.

But in matters international, as we saw also to be the case in matters industrial, acknowledged law and agreements cover only a part of the subjects about which disputes may arise. Where there is no acknowledged basis the only way to settle the dispute is to try to conciliate the parties, to discover what is the view and mind of each on the matter, what are the aspects that appeal most strongly to each, and then to try to frame that settlement which will go furthest to satisfy

each party, and induce each to forgo the points to which they attach least importance. It will be seen that this is quite a different kind of settlement from that arrived at by a judge. It is at once more difficult to make, and more difficult to get accepted, because of the absence of any definite basis of law or agreement. When a law is enacted it becomes a standard; and it is acknowledged that on the whole and in the majority of cases it is to the advantage of all that it shall be respected. Where a treaty is entered into, each party in exchange for some advantage which the agreement secures, undertakes to abide by certain conditions whether they should prove to be advantageous or otherwise. All the elementary instincts of right and justice come in to support a judgment based on such general or particular agreements, and to reconcile the loser of the case to accept the decision. For after all the honour of a party can never demand the repudiation of an agreement on the ground that its fulfilment is inconvenient.

In international affairs matters of honour are very difficult. Governments act for their nations, and a narrow individual altruism may lead the members of the government to drive a harder bargain for their country than they would for themselves, or to hesitate to be as generous on her behalf as they would be on their own. Therefore, it would seem to be of great importance to bring the relations of states as much as possible within the sphere covered by general international law and individual treaty. To secure and enlarge the

judicial status between nations, and to this end to complete the establishment of the court of justice which was recommended by the second Hague Conference, is probably one of the surest lines of advance. The functions of a judicial court in case of dispute are :

- (a) To determine the facts in the case.
- (b) To set forth the law and the agreement or the treaty relevant to the facts.
- (c) To apply the law or interpret the agreement in the particular case, and assess the duties of the parties under it.
- (d) To assess any damages or impose penalties that may have been incurred.

In carrying out these functions a court of justice, however, performs one more, which is not the less important because it is incidental; it gradually creates law: for law may arise not only from the agreed action of a legislature, but also from custom and from precedent. Every case decided adds its quota to the interpretation of laws, and tends bit by bit to extend their sphere. Case law based on previous decisions is recognized as binding by English judges; and even in the absence of such formal recognition it must exercise a powerful influence. It seems probable that the gradual enlarging in this way of the scope of international laws and treaties would be most beneficial to the world, and would be of special value seeing the difficulty that at present exists in securing the creation of such law by the direct method of agreed

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legislation. For these reasons it would seem wise to bring to the court of justice as many as possible of the differences that arise between nations. Where there is doubt as to whether a law or treaty bearing on the case exists, the court of justice is probably the best tribunal to decide whether and how far the case is governed by law; and if not so governed, to determine, on evidence judicially considered, what are the facts of the dispute upon which conciliation should be based. To give such functions to the court of justice would seem likely to lead to that extension of the sphere of law which is desirable.

A judicial court should not be too large in number; for the full weight of responsibility for decisions should rest on the individual judges. It should have some permanence of character so that the reputations of the individual men may depend on the sum of their judgments, and so that there may be established continuity in the character of the decisions.

The men composing such a court should, as far as possible, be chosen for their ability and character rather than for their nationality. If their functions were confined to those of a judicial character, and the duties of conciliation were not put upon them, nations would more willingly look to secure the right individual men, and not trouble quite so much about the difficult point of nationality.

The need for general representation of all the uniting states may perhaps be partly met by en-

trusting the selection of the judges, or a proportion of them, to a representative body. It is important that to these judges no executive duties should be given, for their independence and impartiality must be secured as far as possible, and they must therefore not be delegates.

We have seen that at present there is comparatively little settled international law. There are, however, treaties between two or more nations, and we may recognize in treaties a preliminary step towards the creation of international law. Some of these are not unlike the adoptive acts, which have local application in our own country. Where general agreement on some desirable law cannot be secured throughout the nation, sometimes an act is passed which only applies to those areas which are favourable to it, and from time to time adopt it for their district. Often when the adoption has become fairly general, and public confidence in the law has been thus established, it is eventually enacted as a general law throughout the country. There is here indicated a line of advance for the extension of international law.

Conciliation of disputes where no acknowledged basis exists is so different a function that it should be entrusted to another tribunal. It is not so much legal knowledge and the judicial mind which are required in a conciliator, as quick insight and keen sympathy to see and feel the underlying considerations which carry most weight with each party, a ready tact and a broad knowledge of men and affairs. Conciliation requires diplomacy, it

results from a give and take, and often from a final compromise, splitting the difference which cannot otherwise be eliminated. In the Hague Tribunal of Arbitration we have a body which, in the absence of any other court to deal with justiciable disputes, has been constituted to serve both purposes. If the proper judicial court were established, probably the other tribunal could be modified to adapt it more thoroughly to the purpose of conciliation.

But not only have we in the Hague Conventions the elements of the two tribunals which appear to be needed, but in the conferences themselves we find the beginnings of the international legislature to which we must look for the discussion of matters of general interest, the agreement upon new laws, and the ratification of those which custom has already partly established.

Probably another wise step would be to call this conference together at an early date, and to arrange for its meeting periodically thereafter at more frequent intervals.

One of the safest duties that can be imposed on the proposed permanent International Conference is to uphold the sanctity of such treaties as are formally made and publicly acknowledged between two or more nations. Just as the value of agreements between individuals depends not only on the consent which is mutually given, but also on the obligation which the parties are under to carry out its terms, even when they prove to be against their own interest; so the value of treaties

between nations depends on the maintenance of their sanctity. It is essential, therefore, to create some international guarantee for treaties. But if this guarantee is to be acceptable to nations it will be necessary to provide at the same time some proper and orderly means for terminating or modifying treaties. The world changes, nations wax and wane, civilization spreads, and the conditions of to-day will not be the conditions of to-morrow: therefore, if the sanctity of treaties, in the public estimation and in fact, is to be secured, proper means for adapting them to changing conditions must be provided. The present method, by which a nation takes the opportunity, when the other nations concerned are busy with some different matter, to repudiate its share in a treaty is not only a course in itself likely to lead to quarrel, but one which lowers the sanctity of treaties in the public estimation, and gives some justification to the cynical comparison of them to scraps of paper. Any nation feeling that the circumstances under which a treaty had been made were so changed as to render its continuance inequitable, should have a right to give notice of its desire for the treaty to be revoked or revised. The International Conference should then take the matter up. It would be for the judicial court to decide whether the treaty was one which could be terminated by notice without material compensation. Many agreements can be so ended, contracts of service, for example, are usually so terminated. But in such a case as a grant of land on the con-

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dition of an annual rent or service, it would obviously be unjust for the party holding the land to give notice to terminate the rent or service, and yet keep the land. When the judicial court had set out the rights of the case and the terms on which the particular treaty could justly be terminated, it would be the duty of the conference, acting perhaps through the council of conciliation, to try and help the parties to frame a new treaty adapted to the changed conditions and securing the results desired by both.

There is, perhaps, no principle the value of which is so universally recognized by man, whether he be savage or civilized, whether he be Pagan, Mohammedan, Buddhist, or Christian, as that a man should be bound by his pledged word. For this reason there can be no firmer basis upon which to build up sound international relations than that of the sanctity of treaties. That sanctity must be preserved by a wise recognition of their limits and an orderly procedure for their revision.

There is already connected with the Hague Conference a permanent secretariat to preserve the records of the conference and its tribunals. This secretariat must grow in importance, and probably will need for its guidance a small permanent committee of management on the lines of the delegation proposed in the draft convention for creating the court of justice. We have already, therefore, the beginnings of an executive connected with the union of nations. This is a necessary function which must be provided, but one the

growth of whose power will be very jealously watched by the different states. Hence the importance of considering how this executive of the world union may be made efficient without becoming too powerful, and how it may appeal to the imaginations and secure the confidence of all the peoples without usurping the functions of the state governments or threatening their national independence. As already suggested, a body whose sole function was to preserve the peace would be liable to grow detached, to lose touch with the peoples of the world, and might be unable to command their sympathy or confidence at critical moments. To the conference and its secretariat therefore might be entrusted the duty of caring for the growing international expression of the arts and sciences connected with the peaceful progress of nations.

Peace-life is becoming more and more international. Increasing numbers of national groups are desiring to confer together on special subjects, and are forming international organizations for this purpose. Only a few days before the outbreak of war Germany had given in its adherence to an International Federation of the Chambers of Commerce of the world, brought about largely by the work of Mr. Edward A. Filene and a group of enlightened Americans. This of itself would have been a potent force for peace. One of its aims was to submit to the international chambers of commerce all industrial questions involving differences between nations. The proposed Inter-

national Union might well assist these movements; might provide a centre where they could meet, where, for their use, information and statistics as to the different countries could be made available. In this way there would be created a clearing house for the many activities that already have international interest.

By this means the peoples could be helped to understand each other's individuality better, and to realize the special contribution which each has to bring to the knowledge, the well-being, or the gaiety of the nations. At the same time this central Union would become widely known to the people of all lands, and its help in their mutual intercourse and deliberations would command appreciation and inspire confidence. If this can be secured, much of the difficulty of international relations will be removed. Very largely the matter is one of establishing confidence; when once established a fairly stable equilibrium results. All efforts to find security in armaments or armed alliances at best produce but an unstable equilibrium, liable to be overthrown with the slightest disturbance. The mutual confidence which the unfortified boundary between Canada and the United States of America has fostered has contributed in no small degree to the peaceful relations of the two great nations.

If states are to live side by side in peace, they must be given this mutual confidence; they must be assured of protection from wanton aggression on the one hand, and on the other, they must have

confidence that the requirements of their reasonable progress will be fairly considered and justly provided for, without an appeal to arms.

Along the lines sketched out there would seem to be the best hope for effective progress. None of the suggestions are new, they merely imply the carrying forward of what has already commanded a very large measure of agreement from the chief nations of the world.

CHAPTER IV

THERE remains to be considered how the Union is to be secured against aggression on the part of outsiders or lawlessness on the part of any of its members: how respect can be ensured for its tribunals and compliance with their decisions enforced.

The security and the effectiveness of the Union must depend on the number and importance of the nations entering into it, and on the degree to which they are willing to accept law and conciliation as the means of adjusting their differences. The nations who may be willing to form an effective Union cannot afford, after the frightful experience which we are all passing through, to make that Union ineffective in order to bring in the more backward states. On the other hand, the basis of Union must be such that a substantial number of the great states will accept it, and will undertake the necessary obligations to make it effective; we must, therefore, not increase those obligations to such an extent as will confine their acceptance to a very few only of the nations.

Let us then summarize the aims of the Union, and see what obligations are necessary.

Firstly, the Union is to seek the extension of international law and its observance, the greater recognition of treaties and respect for their sanctity.

Secondly, to promote the settlement of all disputes arising between civilized nations on principles of justice and friendship; and

Thirdly, to establish some mutual guarantee of peaceful relations.

To secure these ends the nations forming the Union would need to bind themselves by treaty.

1. That they will use peaceful methods only for dealing with disputes arising between them.

2. That they will submit all disputes which are of a nature to be decided judicially to the Hague Court of Arbitration, or to such other judicial tribunal as may be set up for the purpose; that they will accept the decisions of such court as binding; and that they will enforce submission of such differences to the court, and uphold the judgment, using such means as the majority may deem most effective for the purpose.

NOTE.—There are many reasons to suggest:

(a) That to the court of justice shall be entrusted the duty of deciding whether a dispute is, or is not, of a justiciable character.

(b) That in the case of a dispute not of a justiciable character the court may properly determine any matters of fact material to the dispute.

3. That all other disputes, that is to say those

which require conciliatory treatment rather than judicial decision, shall be referred to some council of inquiry and conciliation; that they will undertake to enforce the necessary delay of any armed action and the submission of such disputes to conciliation by such measures as the majority may deem most effective for the purpose.

4. That other civilized states shall be invited to join the Union, and admitted to it when willing to accept its principles.

5. That each state will give notice of a length to be prescribed, before being free to retire from the Union.

If this extent of agreement in the direction of guaranteeing mutual peaceful relations could be reached among the majority of civilized nations, probably a fairly effective method of securing peace would have been established, so far as organization can effect this end.

In the event of the nations concerned in a dispute being unwilling, even after consideration and delay, to accept the decisions of the conciliatory court, a resort to arms might take place. The question arises therefore whether the nations in the Union should also agree to enforce with their full power the acceptance of the decisions of the court of conciliation.

If the nations which unite should be willing to take this additional step towards the guarantee of peace, the effectiveness of the Union for the purpose would, of course, be increased.

On the other hand, the responsibility which this

additional guarantee would involve in disputes about which, in the absence of any law or treaty, there might be much room for legitimate difference of view as to the right and wrong of the decision, might have the effect of preventing a number of nations from joining the Union; the additional guarantee would then be somewhat dearly bought.

The history of arbitration moreover suggests that the real difficulty does not arise from failure to accept the decisions, but from unwillingness to submit a cause of quarrel to impartial arbitration. It is probable that a Union which could effectively secure that no armed conflict could arise until a case had been submitted to a court of conciliation, which in the absence of settlement through negotiation should make an award, would in the vast majority of cases be effective in avoiding an appeal to arms.

The most urgent need is for some means of securing adequate time when disputes arise for discussion, mediation and conciliation. The difficulty is largely due to the military advantage which results from initiative in attack. Each nation is afraid to give the other time to increase its preparations; the one that is prepared feels bound to take advantage of getting in the first blow. If adequate time for calm consideration is to be secured, the nations must in some way neutralize this advantage of the first stroke. The nation which seizes this, which strikes the first blow, must be made to suffer as the breaker of the

peace, apart from the merits of the quarrel, such disadvantage as will more than outweigh the advantage of first attack. To this extent at least it would seem that the nations of the Union must back their principles if they are to be effective. It must be made worth while for every nation to resist the temptation to strike the first blow. Whichever is the aggressor in the dispute, and each will usually think the other deserves that description, that nation which first takes armed action must be deemed to be the breaker of the peace, and as such must forfeit all right to support and incur the liability to united pressure from all the other members of the Union.

It would, of course, be the policy of the council in all cases where disputes of a non-justiciable character arose, to try and induce the parties to submit the dispute to conciliatory arbitration and to undertake beforehand to accept the result of such arbitration. In such a case the award would become by agreement binding as if it were a judicial decision.

There remain to be considered disputes between nations in the Union and those outside. Here questions are involved which can hardly be determined in the abstract, but must depend on the number and character of nations originally forming the Union.

If such a Union is to result in the reduction of armaments, there must be some guarantee for the members against aggressive attack by an outside nation, and in the case of all justiciable dis-

putes on matters covered by recognized international law, or by a treaty to which the nations in question are both parties, it would seem right and wise that the nations of the Union should bind themselves to enforce submission of the dispute to the judicial court and should uphold its decision.

In the case of other disputes, however, it is perhaps open to question whether the nations of the Union would be willing to take the responsibility of binding themselves to support any one of their members in a quarrel with an outside state, which was unwilling to submit it to a tribunal of conciliation, without regard to the rights and wrongs of the dispute, apart from this refusal.

That there should be some effective guarantee of safety for the members of the peaceful Union is certainly desirable: whether it should be left to the Union to determine the degree of support that would be given in each case; or whether the degree should be fixed by the treaty of union and should include diplomatic and economic support, and stop short of armed support, are questions which again must depend to some extent on the number and character of the nations within and outside the Union: farther thought and study of all the contingencies which might arise is much needed here.

The arbitrament of war is so terrible, the stakes involved when any nation takes up arms so great, that even to obtain a general security from attack nations will hesitate to pledge their armed inter-

vention in circumstances which cannot be foreseen.

It is, however, one of the great advantages of securing a wide Union of nations, rather than a limited Union even with a more complete degree of obligation, that the wider the group the more effective is the pressure which can be brought to bear upon any lawless or aggressive state without having recourse to armed force.

The life of nations, industrially, commercially, financially, and intellectually, is so largely international that apart altogether from armed intervention a Union of the majority of states could bring enormous pressure to bear if they united to restrain any individual nation.

One has only to imagine the condition of our own or any other country if it were cut off absolutely from all intercommunication with other nations; if its ships were interned in their ports, all its commerce arrested, and its means of communication by post, telegraph, and press stopped. Such pressure would in all probability be enough, without any armed force, to secure compliance with the requirements of the Union. The only case in which actual recourse to armed intervention would be likely to arise would be in the event of the nation against which such pressure was exercised retaliating by armed attack on its immediate neighbours. In that case defensive action to protect such an attacked nation would be the form in which armed intervention by the Union would take place; and for this purpose the Union would need to be given the right to call upon the

nations composing it to contribute according to their ability and accessibility the forces necessary to secure the result.

While, therefore, among nations as among individuals, if the rule of law is to be effective, there must be a means of enforcing it; the very fact of the existence of the Union and of the necessary power in the background for enforcing law would, in the vast majority of cases, suffice to render the exercise of that force unnecessary.

It is for this reason that the Union is of the greatest importance, and that it would seem to be better to secure the strong Union, even with a less binding guarantee as to their obligation to take up arms in its support, than to press those ultimate obligations to such an extent as to limit the Union to a very few states.

It is only the Union of a large number of states which can give such confidence and such collective power that the armed forces which each of the members of the Union would need to maintain could be greatly reduced. So long as the power of the nations standing outside the Union approaches that of those within it, any great degree of disarmament would be unlikely to take place. With the large Union having the right to call for support from the whole of its members, however, their united strength would be sufficient, even with comparatively small individual contributions, to control the individual member or to protect the Union from outside aggression.

In considering the degree of obligation which

the nations of the Union may readily undertake, the fact must not be overlooked that the nations are composed of individuals, who themselves have certain sovereign rights. These individuals must surrender some of their freedom of action and judgment to the nation of which they are members; but after all the nation exists for the benefit of its members. Only with a frank recognition of the rights and liberties which are inalienable alike from individuals and from nations can there safely be built up the greater unit of the International Union.

The degree in which the nations may pledge their armed support in all circumstances is in distinct relation to the degree in which a nation may call upon its individual members for their armed support. Dreadful as is war, and fundamental to humanity as is the necessity for avoiding war, it represents none the less one phase only of human life; and the whole of national and international organization cannot be based on that one phase alone.

Great as may be the debt of duty and support which the individual owes to his nation, there are limits which must not be overstepped; and the fundamental limit of individual liberty appears to me to be clearly passed when any nation takes its members by the scruff of the neck and forces them against their will and their conscience to take up arms in support of a cause which they believe to be fundamentally unjust.

The nation may have the right to see that all its members are qualified to do their share for its de-

fence when the occasion may arise; but it has not the right to compel its members, whether they will or not, to fight to support what they may believe to be its wrong actions.

This I believe to be the fundamental tyranny of conscription, and in the creation of a Union of civilized nations we must be careful not to create a similar tyranny by trying to make those nations surrender to the Union a freedom of action which should be retained by them. We may be sure that the nation or the Union which its members are unwilling to support is not worth preserving.

While, therefore, in the present condition of nations it is difficult to see how adequate security can be reached unless international law and the maintenance of peace are to be supported, and unless individual nations are, if necessary, to be restrained by force from breaches of them; I think it is of very great importance that there should be left to each nation a maximum amount of liberty of action; and that it would be a mistake to advocate a too extensive undertaking on the part of nations to take up arms under circumstances which it may be very difficult to foresee.

The urgent problem is to get the nations to enter into the Union, to take up the responsibility collectively of maintaining law and peaceful relations. Once this great step is taken the influence of the Union must grow, and the collective wisdom of the nations must be trusted to guide its development.

Apart from such a Union as this there opens out as the result of this war such a prospect of competition in armaments, of mutual suspicion and fear as will make the acceptance of any terms of peace most difficult to secure until final exhaustion is reached. On the other hand, if such a Union could be put forward as part of the settlement after the war, it would do more than anything else to give some confidence to all the nations that a better era of international relations could be looked forward to; and the prospect of such security would constitute a very great inducement to the acceptance of terms of settlement, even if, as must be the case with any terms, there is much in them to disappoint each of the belligerents.

I have in this paper laid the greatest emphasis on the creation of an International Union, because it seems to me that this is the most important step which is immediately practicable. The machinery of international union cannot, however, do more than give effect to the goodwill of peoples one for another. When this dreadful war is over, and all the nations have time to realize what the mad outburst has meant in suffering, in grief, and in loss to the human race, one may hope that there will arise some world-wide effort to cultivate goodwill and mutual understanding between the peoples, which alone can form the basis of permanent peace.

Quite apart from the establishment of an International Union, many problems of education and government must be solved within the boundaries

of each nation if the peoples are to insure peace. The democracies must prepare themselves to control more effectually the policies of their governments by finding some safer guidance and instruction than is afforded by a party press, dependent for its profits on its ability to tickle the fancies or play upon the superficial passions of its readers. The danger of a small diplomatic class is obvious, but is the safety of control by a people dependent for its knowledge and views on the daily papers issued by the modern press magnate, to be counted on?

While the people are consistently taught that international trade depends on a scramble for the profits of exploitation, what wonder that they regard it as a sort of cake, and are jealous of any other nation which secures a few of the slices. It seems so obvious that each slice taken by another country leaves one less for their own! How can they, unaided, see through this profit-mongering perversity to the essential fact, which is that international trade, like all other trade, is an exchange of products for the advantage of both parties, and can only continue when the advantage is mutual. If people were allowed to realize that prosperity at home depends on prosperity abroad, they would have a chance to see in their true light the minor matters in which the interests of nations as of individual traders may clash. The tailor of the country town may think the milliner gets too large a share of the patronage of his farmer customers, but he is not jealous of the farmer's prosperity.

When the people learn that the major interests of commerce are all mutual, the minor incidents, where there may be a clash of benefits, will not determine their jealousy as they now do.

One of the surprises which the war has brought to a material age—and a hopeful surprise—is the revelation of the supreme power for good and ill still possessed by the idea, by sentiment. Once the ideas of national honour or national safety were involved, once the sentiment of patriotism was aroused, all the financial and commercial interests, which we were coming to regard as omnipotent, crumpled up like so much waste paper!

Men who had grudged sixpence a week to their employees in peace time proclaimed their country's duty, unmoved by the sight of their industries and their fortunes tottering to ruin. Such is the power of the idea.

Such, also, may we not therefore hope, will be the strength of the idea of peace when some day, perhaps not very distant, it similarly takes hold of the nations.

For sixty years during the last century two republics, which we in Europe regard as somewhat backward in civilization, had frequently fought about the boundary line between their territories, when in the year 1900 preparations were again being made for renewing the struggle with increased energy and improved armaments.

It was Easter-time, and both peoples had been assembled in their churches worshipping the same Prince of Peace. An enthusiasm first kindled by

Angela Da Costa was fanned by Bishop Beneventi in Argentina, and by Bishop Jara in Chili; the idea for peace rapidly spread, until it had so warmed the hearts of the two peoples that war became hateful to them, and they called on their Governments for a permanent boundary to be fixed by agreement. As a result of that movement a mutual treaty was made, securing a peaceful settlement of all disputes between these two peoples. In commemoration of the event there stands on the lonely mountain ridge, sole guardian of the boundary, the White Christ of the Andes. Fashioned from the unused cannon, sanctified by the religious feeling of both peoples, how much more effective a guardian of that boundary than those guns has proved this symbol of a great idea!

Deep down in the human heart, behind the screens of national ethics and religions, upon which each race in its efforts at self-comprehension throws its own imperfect conceptions, there lies a love of right and a sense of justice which is common to all mankind. Is it too much to hope that there may one day arise some body or church broad enough to embrace all these partial concepts and religions which have helped the individual by giving form and substance to his vague aspirations, and human enough to appeal to all the peoples in the name of the good God after whom they are all feeling?

Hampstead, N.W.

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